

CONSTANGY, BROOKS & SMITH

ATTORNEYS AT LAW

SUITE 2400

230 PEACHTREE STREET, N.W.

ATLANTA, GEORGIA 30303-1557

TELEPHONE (404) 525-8622

FACSIMILE (404) 525-8955

April 24, 1995

VIA FACSIMILEPRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION

Ted Lattanzio
Director, Worldwide Regulatory Affairs
Philip Morris, Inc.
120 Park Avenue
New York, NY 10017-5592

RE: Maryland Smoking Regulation

Dear Ted:

I am attaching for your information a copy of MOSH's initial guidelines for compliance with its workplace smoking standard. These initial guidelines are quite basic and do not address compliance in those portions of the hospitality industry covered by H.B. 1368. According to our contacts at MOSH, a second set of compliance guidelines that address the many "gray areas" caused by the joint application of the MOSH standard and H.B. 1368 will be issued for the hospitality industry in the next couple of weeks. Issuance of the hospitality industry guidelines have been delayed because of a death in the family of Deputy Commissioner Ileana O'Brien.

During a visit with Assistant Attorney General Elaine Patrick last week, we further discussed interpretation of the standard. Specifically, Elaine agreed to recommend to MOSH that the guidelines specify that hospitality industry establishments where smoking is permitted to some degree, such as restaurants or bowling alleys, not be required to post signs at the entrances to the establishment. Such establishments would be required to post signs only at the entrance to the smoking rooms.

Also during our visit, Elaine informed me that approximately 50 applications for temporary variance were filed with MOSH. According to Elaine, approximately 30 of those variance applications were from nursing homes, and the remaining 20 were from hospitality businesses. The nursing homes generally sought permission to phase in the smoking restriction over time in order

2043355597

SUITE 1410
1901 SIXTH AVENUE NORTH
BIRMINGHAM, AL 35203-2802
TELEPHONE (205) 252-9321
FACSIMILE (205) 250-6360

SUITE 810
1301 GERVAIS STREET
COLUMBIA, SC 29201-3326
TELEPHONE (803) 256-3200
FACSIMILE (803) 256-8277

SUITE 1080
2100 WEST END AVENUE
NASHVILLE, TN 37203-8231
TELEPHONE (615) 259-5200
FACSIMILE (615) 321-5891

SUITE 1600
1015 FIFTEENTH STREET, N.W.
WASHINGTON, D.C. 20005-2685
TELEPHONE (202) 788-8676
FACSIMILE (202) 789-4708

SUITE 200
101 SOUTH STRATFORD ROAD
WINSTON-SALEM, NC 27104-4213
TELEPHONE (919) 286-0001
FACSIMILE (919) 748-9112

Mr. Ted Lattanzio
April 24, 1995
Page 2

to limit the "shock" to their residents of an abrupt change of policy and allow time to finance and construct a smoking room. Elaine stated that most of the hospitality industry variance applications were from truck stops, bowling alleys, and restaurants. In fact, MOSH representatives recently met with bowling alley owners, at the latter's request, to discuss the application of the smoking standard to their businesses.

Most of the hospitality businesses that filed variance applications, prior to passage of H.B. 1368, are now exempt to some degree from the MOSH smoking standard. Therefore, on April 13, MOSH sent a letter to those applicants asking them if they wished to withdraw their variance applications in light of the H.B. 1368 exemptions. The letter requires a response by April 27 if the applicant desires to retain the application "as is" or to modify the application in light of H.B. 1368. We have already contacted those businesses that we helped prepare variance applications and, where appropriate, are encouraging them to respond to MOSH. I am attaching a copy of the MOSH letter for your information.

We will continue to work with MOSH and the hospitality industry variance applicants and will keep you informed. In the meantime, if you have questions or comments, please call me or Pat Tyson.

Very truly yours,



David L. Smith

cc: Mary Coughlin
Ketrina Knuff
Derek Crawford
Janice McDaniel
Josh Slavitt
Patrick R. Tyson

F:\DLB\Letters\Lattanz.424

2043355598